BIBLIOTHECA BODLEIANA

To the right Worshipfull Sir THOMAS SLINGSBEY, High-Sheriffe of the Countie of YORKE.

SIR,

YOu was pleased to command me out to an Honourable but hard Worke, which though slenderly performed by me) yet hath been kindly accepted by you, and earnestly desired by others to be made publique: and I am the rather induced to do it, that I might give unto the world a testimony and acknowledgement of that esteem and gratitude, which I owe you for your abundant and undeserved Respects to me.

I confesse, you ran a very great hazard, when you made choice of me for such a service: and I might at once both have something lessened your Credit, and quite lost mine owne; which perhaps was the expectation of some, who (though they differed in other things) agreed in this: but whether they were disappointed of their expectation or no, your Worshipp is able to give the fullest account and answer. I have formerly upon the intreaty, and advice of freinds, exposed a Sermon or two unto common censure, and if any will be at the pains to compare them with this, they shall find no contradiction, which made me the more willing to adventure this.

And now that it is put out, if it were worth the owning, there is none hath more right to it than your Selfe. *I desire no more, and I hope you will grant no lesse than this, that as this* Sermon *had your* Command *for its* production, *so it may have have your* Patronage *for its* preservation. *I know it is usuall to fill* Epistles Dedicatorie *with the praises of the Person, unto whom the* Dedication *is directed; but his* Majesty *hath so much honoured you in preferring you to such a place of* Trust & Credit *in your* Country, *and you have so farre honoured your* Selfe *in the discharge of it, beyond the expectation of your years, that I need say nothing. I will rather turne my* Commendations *into* Counsell, *that you would studie so to improve your time, your* Abilities, *and your* experience (*ever having before you for your patterne, the* Sobrietie *and* reservednesse *of your honoured* Father) *that you may still deserve the* Royall Favour, *be more fit to do* God & *your* Country *service, and live long* (*I do not say to be envied*) *but if envied, for nothing else, but deserved* Honour *and* Happinesse. *So prayes*

SIR,

Your Worships most
humble servant,

Josiah Hunter.

Isaiah 1 *chap:* 26 *verse.*

And I will restore thy Judges as at the first, and thy Counsellours as at the beginning: afterward thou shalt be called the Citie of Righteousnesse, the faithfull Citie.

MY Text deserves your more serious attention, because taken out of the Prophecy of *Isaiah*, which (for the divine matter thereof, mixed with so many flourishes of humane learning) hath ever been of high esteem in the Church. see *Robert's* key of the Bible. v. *Hieron.* sup. *Jesch.*

Christ (who might be said to preach all Text) yet sometime in his preaching, tooke a Text out of this Prophet, as you may see *Luke* 4. 17, 18. and this prophecy is quoted oftner in the new Testament, than any other book of the old Testament except the psalmes: whether *Alstedius* himselfe was at the paines of the observation or no, I know not, but he tells us, that *Isaiah* is alledged sixtie times & the Alsted.. *in praecog. Theol.* lib: 2. c. 12.

Pſalmes but ſixtie four times in the new Teſtament Amongſt the very Ethiopians this Book was in ſuch repute, that the Queens Evnuch made it (his *vade mecum*) his companion in his journey, and read the prophet *Iſaiah* in his charion, though he underſtood him not, *Act.* 27, 28. and St. *Ambroſe* ſo highly eſteemed & valued this propheey, that when *Auguſtine* wrote to him for his advice, what part of Scripture he ſhould eſpecially read, he adviſed him to read the prophet *Iſaiah*, as *Auguſtine* himſelfe tels us. *Lib: confeſ:* 9. ca. 5.

For the dependence of the words, *Hyperius* his note upon the Text is of good uſe. It is familiar with the Prophets (ſaith he) firſt to declare unto the people their ſins, then to threaten puniſhment, and laſt of all to let fall ſome promiſes of mercy; the firſt to convince them and beget ſorrow; the ſecond, to humble them and work fear; the third, to comfort them & erect hope. This method our prophet obſerves exactly. For, firſt he diſcovers their ſins to them from the 2. unto the 24. verſe. 2: He denounces judgment againſt them, 24, 25. ver. 3: He ſcatters ſome promiſes of mercy, 26, 27. verſes.

The ſtate of the Jewes (you may conceive) was very much declining & tending to ruine: the gracious God, who alwayes in judgment remembers mercy, promiſes unto them the proviſion of a remedie,

every

every way ſuitable to their maladie, a reſtiſtution according to their defection, Their defection is noted to be generall, in the whole body of the people, ver. 21. *How is the faithfull City become an harlot, it was full of judgment, righteouſneſſe lodged in it, but now murtherers:* the particular cauſe of this generall defection is noted to be the corruption of their Governours, ver. 23. *Thy Princes are rebellious & companions of theeves, every one loveth gifts & followeth after rewards, they judge not the fatherles, neither doth the cauſe of the widow come unto them.* Now obſerve, how ſutable the remedie in the Text, is to the maladie in the context. They were declined, God promiſeth, *I will reſtore:* the cauſe of their defection was the infection or corruption of their Rulers; accordingly God promiſeth to remove that, by reſtoring their Judges as at the firſt, and thir Counſelours as at the begining; and now (*ſublatâ cauſa tolletur effectus*) the faithfull Citie ſhall be no more called an Harlot or a Sanctuarie for murtherers, but it ſhall be called, (as it was wont to be,) *the Citie of righteouſneſſe, the faithfull Citie.*

I will a little open the words, and when the ſhell is broken, it is eaſier to take out the meat and dreſſe it. *And I will reſtore thy &c.* And) that is the *Copula*, which joynes the Text and the precedent verſe together, *I will turne mine hand upon thee &*

purely purge away thy droſſe, and take away all thy tinne, and I will reſtore thy Judges as at the firſt: you may take notice, how evill Governours are like impure, corrupt and droſſie mettalls, theſe God would purge away: but becauſe this was in it ſelfe but a privative mercie, therefore he adds a poſitive in the Text, *And I will reſtore thy Judges as at the firſt.*

I will reſtore) there is a double reſtitution; one *ex debito*, another *ex dono*. One due, another free. Due reſtitution is, when having taken away any thing unjuſtly, we returne it again either in *quali* or in *quanto*: and this reſtitution is very neceſſarie, for as *Auguſtine* ſaith, without this reſtitution to men, we can expect no remiſſion from God, for this reſtitution, *Zacheus* is famous, *Luke* 19.8. Free reſtitution is, when a man hath forfeited his intereſt in a thing, and he, to whom it is forfeited, is willing out of clemencie and bountie, to releaſe the forfeiture & re-enſtate him againe. Such is this reſtitution promiſed in the Text, not a Due, but a Free reſtitution. The Jews had forfeited all their priviledges and immunities, and deſerved ruine rather than reſtauration; yet God promiſed to reſtore them, and now indeed, that he hath promiſed, he is become a debtor to his own word, but he was not bound before.

non remittitur peccatum, niſi reſtituatur ablatum.

I will reſtore thy Judges,) Judges may be taken here

here, either more largely, or more ſtrictly: more largely, for all ſorts of Magiſtrates. For all Magiſtrates are in ſome ſenſe Judges, and frequently ſo termed in Scripture, (*ad denotandam facultatem*) to note their Abilitie, they ſhould be able to judge, or elſe they are not qualified to be Magiſtrates; and (*ad denotandam poteſtatem*) to note their authoritie: they have power by their Office to judge (*inter deum & reum*) between God and the guilty, in matters of ſacriledge & blaſphemie: (*inter Regem & reum*) between the King & the guilty, in matters criminall and contrary to the Law of the land: and laſtly, (*inter meum & tuum*) in matters of right & wrong, between partie & partie, when they are in controverſie about any Claime or Title. or

2: Judges may be taken here more ſtrictly, for ſuch as are lawfullie deputed, not only to execute, but alſo to expound & interpret the Law, and according to that to give ſentence. And that there was ſuch an honourable office, wherewith ſome were eſpecially intruſted among the Jews, is plain enough out of the Scripture. The Arche-type, or firſt draught of the office of Judges under the ſupream Magiſtrate, you have. *Exod.* 18: 25. where it is ſaid that *Moſes* (following the advice of *Iethro*) choſe men out of all Iſrael, and they judged the people at all ſeaſons: and now this office being once

invented & erected, and by experience found to be of great advantage; we read frequently afterwards in ſcripture of Judges taken in this ſtrict ſenſe. Particularly, it is ſaid of *Jehoſaphat* 2. *Chro.* 19. 5. *He ſet Judges in the land throughout all the fenced Cities of Judah, Citie by Citie.* And the Scripture tels us, how *Samuel* (judge in Iſrael) uſed to ride the Circuit every yeare, 1. *Sam.* 7. 15. *Samuel judged Iſrael all the dayes of his life, and he went from year to year in Circuit, to Bethel, and Gilgal, and Mizpeh, and judged Iſrael in all thoſe places, and his return was to Ramah.*

I *will reſtore thy Judges & thy Counſellours*) who are meant by Counſellors in the Text? *Rem eandem bis dicit, nam iidem ſunt Conſiliarij, qui Judices*: Thus *Marlorate.* *Non denotat duos ſeparatos ſtatus, ſed tantum geminum officium.* ſo *Urſin & muſculus.* All Expoſitors, that I had by me to conſult with, do run this way, and conclude that Judges and Counſellors are both the ſame perſons; only here is (*duplex nomen*) becauſe there is (*duplex officium*) they have a double Title given them, to note a double dutie required of them, which is not only to give judgement (*in rebus litigioſis*) but alſo to give Counſell (*in rebus arduis*) Judges & Counſellours are both one here in the text, though not ſo amongſt us: yet this we may ſafely ſay, though every Counſellour be not a Judge, yet every judge ought to be a Counſellour

in commen: ſup: cap. 1. Jeſeb.

lour, nor is he fit to give judgment, that cannot give Counſell. They do greatly dote, and are deceived (ſaith *Muſculus*) who think that Commonwealths can be well govern'd by ſimple, good men. As much goodneſſe, and as little guile as you will, in Governers; But to the due qualification of a Governour, eſpecially a Judge, it is not ſufficient that he be an honeſt good man, but he muſt alſo be a wiſe & prudent: ſuch were the judges God promiſed unto *Judah*, judges that ſhould be Counſellours too.

a modum deſipiant, qui putant Reſpublicas poſſe gubernari per viros ſimplices & bonos. in loc: ſupr. cit:

I will reſtore thy judges as at the firſt, & thy Counſellours as at the beginning,] there is ſome ſmal difference amongſt Commentators, how farre to extend this, *ab initio & in principio*. Some are of opinion, that it is to be referred as farre as *Moſes*, *Joſhua* and ſo al ong to the time of the judges, whilſt, as yet, they had no King. God would reſtore them ſuch judges as they were, not only for qualities but alſo for forme: and they that are of this opinion, do hold that God here ſpeaks (*de rejectione regum & reductione judicum*) as though (when he reſtored *Judah*) they ſhould no longer be governed by Kings, but by judges, as they were before they had a King: and ſo indeed it fell out after the Babilonian captivity, and therefore *Lyranus* thinks the judges, the Text ſpeaks of, were *Zerobabel*, *Nehemiah*, *Ezra*, *the Maccabees*, and ſuch like.

Muſcul. & Vrſin in com. ut ſupra

Marlorate

But others there are that ſay (*melius referuntur hæc ad tempora Davidis*) this, at the firſt and in the beginning, is better referred to the times of *David*, for in his time *Ieruſalem* firſt became famous, both becauſe it was the Seat of the King, and alſo the Seat of Gods Worſhip: and ſo God promiſeth that he would reſtore unto the Kingdome of Judah, Governours and judges that ſhould be like unto *David*, Men after his own heart.

If I might caſt in mine owne conjecture amongſt ſuch learned men, it ſhould be this. We need not much to trouble our ſelves in enquiring to what times this ſhould have reference, ſeing the ſimple & genuine meaning of the place is this: I *will give unto thee Judges, that ſhall be able & upright, pious & prudent*, that ſhall helpe to reduce the ſtate of Judah unto order & eſtabliſhment, as much as the corrupt judges have brought it neer unto ruine & confuſion: and the reaſon why it is ſaid, *as at the firſt, and in the beginning*, is to note how very good thoſe Judges (which God would reſtore them) ſhould be. or every thing it is thought to be beſt in *primordiis*, in its orignall, at firſt, corruptions creep in with time. This therefore, I conceive, may be the ſenſe of the place. I *will reſtore thy judges as at the firſt*, that is, I will reſtore unto thee very good Judges, Judges of the firſt impreſſion, judges according to the originall

ginall, before personall abuses had crept into and mingled themselves with the Office.

Afterward thou shalt be called, &c. *Afterward*] not before this restitution: things & persons are to be called, as they are. If Jerusalem be fallen off and degenerated, though she was called before the faithfull Citie, yet now she deserves no better name then harlot: if she be return'd & restor'd again to her primitive integrity, though she was for a time called Harlot, yet now she shall be called again, the Citie of rihgteousnesse, the faithfull Citie. We must not call darknes light, nor light darknes.

Thou shalt be called] of God, of the King, of the people. *The Citie of righteousnes*] because of the due & impartiall administration of justice in thee. Isa 5:20. *The faithfull Citie*] Jerusalem was called the faithfull Citie for two reasons; first with reference to God, because they observed and upheld the true worship of God, a great deale more than *Samaria* or any Citie of Israel did, who worshipped the Calves that *Jeroboam* had set up. Secondly, the faithfull Citie with reference to the King, because they kept their Loyalty & Allegiance to the successors of David, whom God had set up, whereas the Cities of Israel revolted from him & rebelled against him under *Jeroboam*.

The text thus explained, I will trouble you with

no other diviſion than this: it is a gracious promiſe; of what? of reſtitution: *I will reſtore.* Of whom? of Judges and Counſellours: *I will reſtore thy judges and thy Counſellours.* In what manner? as at the firſt and as in the beginning. With what ſucceſſe? *afterward thou ſhalt be called, the Citie of Righteouſneſſe, the faithfull Citie.*

Before I enter upon theſe particulars, I ſhall ſpeak this by way of introduction. Be not offended, if I do as it is likely I ſhall this day deceive many of you, in your expectation of two things; and they are Rhetorique and Reflection. For Rhetorique, I know indeed, that *modus orationis eſt auditor*: and eloquence ſhould fall from this place, like *Sions* ſilver drops, upon the lower ground: but as *Moſes* ſaid once, ſo do I now, my Lords I am not eloquent, neither have I the tongue of the learned. For reflexion perhaps ſome expect I ſhould handle the Text ſo; but I am more mindfull of his Majeſties *Act of Oblivion*, which if I ſhould in this place and at this
Job 31. 28. time, in the leaſt violate, it would be an iniquitie (as *Iob* ſpeaks in another caſe) an iniquitie to be puniſhed by the judges. This being premiſed I begin with the firſt. What it is that is promiſed? it is a reſtitution, I *will reſtore.*

Reſtitution is of a middle nature, between Creation & preſervation: it is not ſo much as Creation,

yet

yet it is more than ordinary preſervation. The ſtate of Iudah was not wholly deſtroyed, therefore there needed not a Creation: yet it was much decayed, therefore there was great need of a Reſtauration.

Firſt, Reſtitution is not ſo much as Creation. The Iews, though much relapſed, yet were not quite ruined, therefore they needed not a creation: their ſtate was like an houſe, much ruined, yet the the foundation remaining. The Pſalmiſt in one place complains, that all the foundations of the earth were out of courſe: ſo it was now with the Jewes, all their foundations were unſetled, yet not quite eradicated. There was ſomething to build on, therefore no neceſſitie of a Creation, or a making all things new. Pſal: 82. 5.

1. They had their fundamentall Governement un-interupted; continued under Kings and in the right Line. For *Iſaiah* prophecyed in the dayes of *Uzziah*, *Iotham*, *Ahaz* & *Hezekiah* Kings of Judah, chap: 1. verſe 1. All Kings and lawfull Heirs to the Crown. *Uzziah* the lawfull Son and heire to *Amaziah*: *Iotham* Son and heir to *Uzziah*: *Ahaz* Son and heir to *Iotham*; and *Hezekiah* Son and heir to *Ahaz*. It is thought indeed, that he propheſied alſo in the dayes of *Manaſſeh*, and was by his commandment ſawne aſunder: grant it, yet *Manaſſeh* was ſtill the Son and heir of *Hezekiah*. All this while the Go- *Epiph.* in vit. prophet.

vernement was not changed, nor the ſucceſſion interrupted. Here might need a reſtitution of ſome ſuch Kings, as *David*, *Solomon*, *Iehoſaphat*, but none of the Government, for it was not altered.

2. They retained their fundamentall Lawes, which God preſcribed them by *Moſes* for their Governement, as they were a Civill ſtate, that is, thoſe which we call (by way of diſtinction) Iudiciall Lawes. However they did not obſerve them, yet we read not, that they obliterated them, or made any others contrary to them. defects in the execution of Lawes, and perverting of judgment, is a thing ſo ordinarie, that the wiſe man bids us, we ſhould not wonder at it, 5. *Eccleſ.* 8. However therefore they might be corrupt in the execution of their Lawes, yet they did not ſubvert them, but ſtill in profeſſion rotained them, and had them in reverence, as their *MAGNA CHARTA*, from the King of heaven.

3. They ſtill retained the Foundation of their Religion. It cannot be denied, but they borrowed many corrupt mixtures, both from Forreign Nations, and from their next Neighbours & Brethren the idolatrous Iſraelites, which did very much ſtain the purity, and darken the luſtre of their Religion: but ſtill God owned them for a true Church, and his own Spowſe. Though he gave a bill of divorce to

Iſrael

Israel, Jer. 3:8. yet we read not of any Bill of divorce he gave to Judah.

Secondly, Restitution is more than ordinary preservation. It requires more skill and power in the Agent, because it supposeth more unfitness and indisposition in the Patient. It is with bodies politique, as it is with Bodies naturall; it is easier to preserve them in health and harmony, than it is to restore them, when once a decay or disorder hath fallen upon them. That the Jewish State was much decayed, is plain enough. Their Princes and Governours very corrupt, so farr disloyall, that they were rebellious, and so far degenerate, that they were companions of Theeves. Their Lawes in being, but not in force, notoriously violated by the people, and perverted by the judges, insomuch that our Prophet saith, chap 59. v. 14. Iudgment was turned backward, and justice stood afar off; Truth was fallen in the street and equitie could not enter. Their Religion also was horiblie defiled, by a corrupt mixture of idolatrous inventions with it, especially in their divine worship: not only Israel played the Harlot, but Judah also, so much, as if she would out-strip Israel in spirituall whoredome, as you may see Jer. 3. 9, 10. Here was very great necessitie of a Restitution therefore, or else this decay would soone have brought them [illegible] to destruction.

But will ſome ſay, it is true, Reſtitution is a greater worke than preſervation: but the Lord, if he ſo pleaſed, might ſave himſelfe this labour, if he would (as we know he can) preſerve a Church or Nation from decaies, then he needed not to be at the paines of a Reſtitution. Why then doth God ſuffer ſuch decaies, conſumptions & over-turnings to befall a people, when he can prevent them?

There are two reaſons for it, the one is taken from his juſtice, the other is taken from his Wiſedome. The firſt is taken from his juſtice: thus it pleaſeth him many times to puniſh the ſins of a wanton, unthankfull, ſecure, proud & contentious people. They firſt break with God, & then God ſends breaches upon them. You muſt conſider, that God will not ordinarily worke miracles for the preſervation of any Nation, but in his common providence lets every thing work in it's courſe, and according to the diſpoſition of ſecond cauſes. Its no wonder to ſee an unſound body fall into decay, its true God could preſerve it if he would, but he will not worke a miracle in croſſing natures courſe. So uſually States are unſound and diſeaſed, full of diſtempers and corrupt humours, before they fall into decay, God could, if he would, heal all; but he will not ſtep out of the way of his ordinarie providence: things ſhall work as they are diſpoſed. He will not work a miracle

a miracle to preſerve a ſinfull people, but is rather reſolved for their many provocations, to ſend upon them a conſunption, and a languiſhment.

The ſecond reaſon is drawne from Gods wiſdome. He ſuffers theſe decaies to befall a people. Firſt that they may ſee and be ſenſible of their own imprudence. *Every wiſe woman buildeth her houſe, but the fooliſh plucketh it down with her hands. Prov:* 14. 1. Some ſuch fooliſh people there are too (though they thinke themſelves wiſe) who becauſe they diſlike ſomething in the building and preſume they can eaſily reare up and reforme all againe, pluck downe a whole Nation. God lets them alone, he knowes they will ſoone be warped in their owne folly; and at laſt they learne that it had been better to have ſuffered ſome things, which they conceived amiſſe, than to have endangered the deſtruction of the *Whole*. How doth the fooliſh woman pluck down her houſe? ſhe either plucks it downe, becauſe ſhe is fickle, and would have her houſe changed too: or elſe becauſe ſhe is fooliſh, and knows not how to governe her houſe: and thus it falls out often, that becauſe Governours are imprudent, and the people deſirous of change, they pluck downe a Nation between them. And the wiſe God ſuffers it, that at laſt they may ſee their own follie.

2. God in wiſdome ſuffers ſuch decaies, to

make people more, thankfull for their restitution. It is the epidemicall disease of Man-kind, to take notice of the price of any good, *caremdo magis quàm fruendo.* Contraries are the best Commentaries one upon another, and their mutuall opposition the best exposition. The thunder of the Cannon (the language of war) is the best Rhetorique to commend peace: the horror of darknes, proves the benefit of light to be heavenly: health is then preferred amongst us, when it brings letters of Commendation from sicknes: Anarchie is the best foile unto a well-temperd government, whether in Church or State. When a people have found by experience how dangerous defection is, then they wish for, and rejoyce in the hopes of a restitution.

3. God in wisedome suffers such decaies, that he may get unto himselfe a great Name, and more glory, in exercising his divine power & skill, for the recovering of a ruinous Nation. Preservation is *bonum optabile*, but restitution is *bonum mirabile*. This it was that magnifyed Christs cure of the woman, which had the bloody issue, that he healed her suddenly, when she had spent all her estate upon the Physicions, and was never the better. Mark 5. 25.

Now the observation I shall raise from hence, is this, *That Restitution is a great mercy to Church or Nation.* I will prove it very briefly from the notion

importance of the word. Reſtitution is cordiall, it is healing, it is joynting, it is ſetling, therefore a great bleſſing. *It is Cordiall.* That which is reſtaurative, is cordiall, and that which is cordiall, is reſtaurative. The whole heart of this Kingdome of *Judah*, our Prophet tels us, (at the fift verſe of this chapter,) *The whole heart was faint.* great need they had therefore of a Cordiall or a Reſtaurative. The greater their neceſſitie was, the more gracious is the promiſe.

2: *Reſtitution is healing.* When a man is heal'd of a Sicknes or diſtemper, then is he ſaid to be reſtored: ſo this people were at preſent in a very Sick and diſtempered condition: *The whole head ſick, from the ſole of the foot even unto the head, there was no ſoundneſſe, but wounds, and bruiſes, and putrified ſores; they had not been cloſed, neither bound up, neither mollified with oyntment.* Great need they had therefore of healing and reſtoring: and ſtill the greater their need, the more gracious the promiſe. verſe 5. 6.

3: *Reſtitution is joynting.* 6. *Gala.* 1. *If a man be overtaken in a fault, yee which are ſpirituall, reſtore ſuch an one in the ſpirit of meeknes:* the word is (καταρτίζετε) ſet in joynt, or ſet the bone that is broken of ſuch an one. *The earth and all the inhabitants thereof are diſſolved:* (ſaith the Pſalmiſt) *I beare up the Pillars of it: Diſſolved,* that is, diſcompacted, diſjoynted. Pſalm 75. 2.

Now when God is pleaſed to bear up a Nation thus disjoynted, it is a great mercie; but much more, when he ſhall reſtore it, and joynt it again, that it is able in ſome meaſure to ſupport in ſelfe.

Laſtly, *Reſtitution is ſetling. Mat: 17: 11. Elias ſhall firſt come and reſtore all things:* (αποκαταστησει) ſhall ſettle or eſtabliſh all things, and the word ſignifies properly, *to eſtabliſh,* (*per collocationem in proprio loco*) by reſtoring things and perſons to their proper places. Now aske a man, whoſe ſpirits were wel-nigh ſpent, how good a reſtaurative Cordiall is? aske a man, that hath been long ſick, if health be not a great mercie? aske a man, that hath broken a leg or an Arme, how good it is to have them ſafely ſet? aske one, that hath been baniſhed from his Relations, his habitation, his inheritance, how comfortable it is to be reſtored to them, and ſetled in the poſſeſſion of them again? ſuch a mercy is reſtitution unto a people, it is Cordiall, healing, jointing, ſetling.

I will apply this in a few words. 1: For information. What God promiſed to Judah, he hath in a great meaſure performed to us. He hath after much fainting, diſtemper, disjoynting and diſlocation, granted us a Reſtitution. He hath reſtored us our Native and undoubted Soveraigne, our ancient Governement, both in Church and State, our

our fundamentall Lawes, our Liberties, our peace, and (I hope) his own gracious favour with them all. I need not ſay much of this: a man that hath felt the fire, need not to be told that it is hot; and ſeeing the advantages which ariſe from this reſtitution unto the whole Nation, are ſo ſenſible, I need not tell you, how great a mercy it is. Perhaps there are ſome that think this reſtitution but a relapſe: I intend not to trouble my ſelfe to convince them; I pray God reſtore them alſo to their right judgements in his due time.

2: For excitation. One reſtitution deſerves another. Gods (*Reſtituam*) ſhould ſtir us up to thinke of a (*quid retribuam,*) *what ſhall I render to the Lord for all his benefits?* Gods Reſtitution was free, but ours is due, and ſo much the more due, becauſe his was free. *Hezekiah* is blamed for not rendring according to the benefit that he had received, and wrath was threatned to all *Judah* & *Jeruſalem* for it. 2. *Chro:* 32. 25. Let us therefore (as the Apoſtle exhorts) 13. *Hebr:* 15. *Offer unto God the ſacrifice of praiſe continually, that is the fruit of our lipps, giving thankes to his name.* Let us take heed, leſt as *Philip* branded his ſouldier (that beg'd the lands of one that had entertaind him kindly) with *ingratus hoſpes* on his fore-head; ſo God brand not us with the ignominious note of *the unthankefull Nation.*

3: For Caution, in the words of our Saviour, *Joh:* 5. 14. *Behold, thou art made whole, goe thy way and ſin no more.* Sin is a forfeiture of all. Let none be offended, if I beſpeake this honourable Audience in the language of *Samuel* 1. *Sam.* 12. 24. *Fear the Lord & ſerve him in truth, and with all your hearts; for conſider how great things he hath done for you; but if ye ſhall ſtill do wickedly, ye ſhall be conſumed both ye and your King.* So much of the firſt particular, what it is, that is promiſed, *Reſtitution*; I *will reſtore.*

I come to the ſecond: a reſtitution, of whom? of Judges and Counſellours. Who are meant by Judges & Counſellours, I have ſhewed you before. I ſhall chooſe now to ſpeak of them, as taken in the ſtricter ſenſe, and give you this Concluſion; *That good Judges are a great bleſſing to a Nation.*

Now there are ſeverall *Q*ualifications required to the Conſtitution of a good Judge: 1. The good judge is carefull, that he act nothing but by Commiſſion from a lawfull Power: or elſe, I know not how he can anſwer that queſtion, (*quis conſtituit te judicem*) who made thee a judge and a Ruler? In our Nation all lawfull Authority is derivatively frō the King; the *poteſtas judiciaria*, the power of judging doth primarily belong to him, it is one of his *jura Regalia*: a Man therefore muſt have his Deputation to the Office of judge from him, or elſe he is

Exod. 2 14.

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an intruder. *Submit your ſelves to the King as ſupream, and to Governours as to them that are ſent byhim.* 1 *Pet:* 2:13: if they have not their Miſſion from him, there is no ſubmiſſion due to them.

2 The good judge is juſt and impartiall in the diſtribution of juſtice. When he puts on his Robes he puts off his relations to any: This is indeed one of the *primæ qualitates*, that conſtitute a good judge to be no reſpecter of perſons, nor taker of gifts. I have read of a notable ſtory of *Canutus*, who having examined twelve Theeves, and condemned them, one of them pleaded, that he was extracted from royall bloud; it is reaſon (ſaid the King) ſome grace ſhould be done to him, let him have the higheſt gibbet. And *Cauſſin* tels us, that in *Juſtinian's* times, judges uſed to take an Oath with a ſolemn execration; an Oath to maintain Religion and juſtice according to their power; with this execration, that if they did corruptly, The horrour of Cain, the leproſie of Gehazi, and the portion of Judas might fall upon them. You know what are the things that corrupt men in Office, thy are bribes, *every one loveth gifts, and followeth after rewards*, is our Prophets complaint, concerning the corrupt Judges of Judah: and although men keep touch ſtones to try gold, yet gold certainly is a notable touch ſtone, whereby to try men. But now as the honeſt Wo-

Cauſſin in his holy Court.

Gen 4 13. 14. 2 King 5. 27. Mat. 27. 5.

Prov: 29. 4.

Mr. Fuller.

man preſerves her chaſtity, ſo doth the good Judge preſerve his integrity, and that is, by giving no encouragement unto any to corrupt him. *He deſpiſeth the gain of oppreſſion, and ſhaketh his hands from holding of bribes. Iſa.* 33: 15: He will take no bribes himſelfe, and he deteſts that hypocriſie of the Mendicant Friers, who will touch no money themſelves, but have a Boy with a bagge to receive it for them.

3: We will conceive the good Judge (when in the execution of his office) diveſted of paſſion, and his mind ſo clear, that there is nothing to diſturbe his judgement: and having this command of his affections, he can hear a ſimple witneſſe ſpeak impertinencies, without impatience; which if duely conſidered, doth argue a great (ἰσχναλέια) or ſtrength of mind: the good Judge hath ſo much judgement, as to conſider the Ruſticity and homelineſſe of common people in giving of evidence, that they muſt be impertinent, before they can be pertinent. But however he exerciſe thus much patience towards a ſimple Witneſſe, yet he hath ſo much prudence, as not to bear it in a profeſſed Pleader: he will not ſuffer a Lawyer, with multitude of words & queſtions, in a plaine caſe, to darken the cauſe, confound the Jurie, or puzzle the Witneſſes.

4: The good Judge is Couragious. What need he to fear? when he hath God, and the King, and

and the Lawes, and the teſtimony of a good Conſcience to bear him out, if he do uprightly. It is ſaid of *Cato* and *Fabricius*, that the Sun might ſooner be ſtayed or altered in his Race, than they in the courſe of Juſtice; it requires a ſtout ſpirit, to be thus ſteddie. He had need to be a man of ſpirit, that muſt neglect the diſpleaſure and frownes; reject the Letters and Suits of great men; as Judges muſt doe, if they would be as *Cato* and *Fabricius*. Had not he need to be a man of courage, that muſt (as it often falls out with Judges) maintain right againſt might? had not he need to be of an undaunted ſpirit, that muſt turne the wheel over the wicked, withſtand the inundation of prophaneſs, and ſuppreſſe the Roaring Ladds, that fear neither God, nor man? what was it that made *Pilate* yeild to the condemnation of Chriſt, but his fear? *if thou let this man goe* (ſay they) *thou art not Cæſars freind*: whereas a *Cæſar* indeed (ſuch an one as our *Cæſar*) accounts it an abomination, either to condemne the Innocent, or to Juſtifie the wicked for a Reward. John 19.12

5: The good judge is not delatory. He makes not a Trojan Seige of a ſuite, but doth what he can to bring it to a ſpeedie iſſue. He thinkes it enough for one partie to loſe the cauſe, and therefore endeavours, what he can, to leſſen the charges.

Lewis the 12th uſed to ſay, delatory Juſticiaries ſtretched the leather with their teeth. I have read a notable ſtory taken (as my Authour ſaith) out of the Chronicles of *Alexandria*, concerning one *Theodoricke* King of the Romans. *Juvenalis* a widow (having a ſuit depending in the Court three years, which might have been diſpatched in a few dayes) makes her complaint to the King: he demanded who were her Judges, and ſent to them to expedite her Cauſe, which they did in two dayes. After they had done, *Theodoricke* ſends for them again (as they thought, to applaud them for their expedition) being come, he asked them what was the reaſon, they defer'd that for three years, which they could diſpatch in two dayes? they made no Apologie (that I read of) for their deferring, for it is likely they had none to make: but they ſaid, they had made ſuch ſpeedy diſpatch upon his ſpeciall recommendation. How (ſaid the King) when I put you into Office, did I not conſigne all Pleas and proceedings to you, and particularly thoſe of widows? you deſerve death, for ſpinning out a buſineſſe three years, which might be drawne to a period in two dayes: and ſo commanded both their heads to be ſmitten off.

Cauſſin concerning the practice of juſtice.

I cannot ſtand to adde colours to every lineament of a good judge. Let it ſuffice, that I only point

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at the reſt. 6: The good Judge is a ſpecial Patron of Widowes and Orphans; and therefore takes ſpeciall cognizance of their actions, for fear there ſhou'd be any corruption in their Advocates. This is God's high Style, *pſalme* 68:5: *A Father of the fatherleſs, and a judge of the Widow is God in his holy habitation.* For this it was that God was ſo much incenſed againſt the judges of Judah *They judge not the fatherleſſe, neither doth the Cauſe of the Widow come before them.*

7: Mercy is a neceſſary qualification of a good Judge. They ſay a Butcher may not be of the jury for Life & Death, much leſſe ſhould ſuch an one ſit as judge. The good judge therefore (ſo far as he may with ſafety to his Conſcience) remits of the rigour of the Law, eſpecially where indulgence may work amendment. He inſults not over Malefactours, with opprobrious and taunting language, be their crimes never ſo foule: but takes occaſion from thence to pity the depraved nature of man, which is ſubject to ſuch Exorbitances. He pronounces not the ſentence of condemnation without great commiſeration; and is careful, that they (who are not worthy to live) may by the inſtruction of ſome able Miniſter, be the better fitted to dye, that however the fleſh be deſtroyed, the ſpirit may be ſaved in the day of the Lord Jeſus. 1 Cor. 5. 5.

8: The good judge is not *Gallio*-like, careleſſe Acts 18. 14.

in things that do concern Religion. He conſiders that his Majeſtie is *Cuſtos utriuſq; tabulæ*, and hath by Deputation made him ſo too.

Laſtly, The good judge is a good Man; One that feareth God, and eſcheweth evill; of ſuch uprightneſſe & integrity, that his Converſation is exemplary to all inferiour Magiſtrates. One that keeps a judicature within his own breaſt, and daily tryes all his actions in the Court of Conſcience. One that makes conſciene of his duty towards God, as well as the King, remembring that account he hath to give, ere long, to the judge of all the earth. One that is devout in his Cloſet, ſtrict in his Family, and thinks himſelfe as honourable, with his Train waiting on him to the Church, as to the Court. In a word one ſo pious, juſt, charitable, temperate, and free from vice, that he doth as much good by his example as by his Authortty. Thus I have ſhown you who is a good judge: and let none think, that I have extracted this out of Sir *Thomas Moore's Utopia*, and given you the deſcription of a man, that never was nor ever will be; you may take *Iob* for a proof & preſident of all that I have ſaid; *Iob* 29:11:

Now that judges, that are thus good, muſt needs be a great bleſſing to a Nation, is not very neceſſary to be proved. I know, you have in your owne thoughts prevented me, that I need ſay nothing.

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Both the time and the matter do now require, that I ſhould direct my ſpeech unto you (my Lords & Gentlemen) for whoſe honour as well as inſtruction this Exerciſe is obſerved: I beſeech you therefore, as *Paul* once did *Agrippa*, *Acts* 26: 3: *that you would hear me patiently.* I confeſs, I am every way one of the leaſt of the Sons of my Mother, and ſhould ſcarce have ſeen your Lordſhips for the Crowd, had I not been ſet up in this Sycamore Tree: but now I have the honour not only to be your Spectatour, but your Monitour.

I will only premiſe two things to that, which I have to ſay. The firſt is this, that I ſpeak any thing in this kind, is more becauſe it is become cuſtomary, than becauſe I think it neceſſary. The ſecond is, that determination of the School-Men, who ſay, that an Angel of an inferiour Order may inflame, but cannot illuminate an Angell of a ſuperiour Order: this is the utmoſt, that I aime at, to erect your Zeal, I preſume not to add to your knowledge. This being premiſed, I ſhall diſpatch what I have to ſay, in three Words.

1 My Lords and Gentlemen, you know what a ſtrict Proclamation his Majeſty (out of his Princely piety, not policy) hath ſet out, againſt Vicious, Debauched, and Prophane Perſons: and yet iniquity ſeems to abound; this calls aloud for your obſer-

vation and regulation. As I would not have them who have been accounted the King's foes, to ſleight his promiſes; ſo nor thoſe, that are deſirous to be reputed his friends, to neglect his precepts. Piety and Loyalty are as conſiſtent, as God and the King; Curſed be he that goes about to ſet them at variance. I acknowledge indeed, that you ſee moſt what with other mens eyes, and cannot puniſh abuſes (unleſſe you ſee them) without complaint and information from others: yet verily, the prophaneneſſe of ſome men is ſuch, that they declare their ſin as *Sodom*, they hide it not; and what men do not ſeek to hide, you may ſee if you will. To paſſe by drunkenneſſe, ſwearing and ſuch like, how common is the prophanation of the Lords-Day: however God may ſeem to winke at it, yet he takes notice of it, and will not ſuffer it, that we ſhould ſo far entrench upon his Royaltie, as to make his Day either a day of buſineſſe, or a day of pleaſure. Very ſtrict were they in the obſervation of this day, in the primitive times: for when the queſtion was put (*annon obſervaſti diem dominicum*) haſt thou obſerved the Lords day? the anſwer was returned, (*Chriſtianus ſum intermittere non poſſum*) I am a Chriſtian I may not do otherwiſe. But now nothing more ordinary, than for thoſe that call themſelves Chriſtians, to neglect the obſervation of it. It concerns you that are in Authority, both by your

Iſa. 3. 9.

ſee *Trap:* on John 21 1.

vid. *Ignat.* Epiſt 3. ad *Magneſ:*

your examples and injunctions, to ſuppreſſe this inundation of impiety; or elſe it will endanger to bring upon the Nation great wrath. It is true, God hath mercifully, and miraculouſly reſtored us, but remember what *Ezra* once ſaid, *Ezra* 9. 13. *After thou haſt given us ſuch deliverance as this, ſhould we again break thy Commandements, wouldſt thou not be angry with us, till thou hadſt conſumed us, ſo that there ſhould be no remnant nor eſcaping?*

2. My Lords & Gentlemen, you know, what ſtrict Laws we have againſt *Recuſants*, which the wiſedome of his Majeſties Royall Predeceſſors, and Progenitors, with their Counſels, thought fit to Enact againſt them; looking on them only as Subjects, becauſe Natives, but otherwiſe accounting them the moſt dangerous enemies both to Church and State. And yet it is reported, that ſome of them are ſoe confident, as to promiſe unto themſelves a toleration; which they could not doe, if thoſe Lawes were put in execution. My Lords, you know, that ſuch a toleration is contrary to the Lawes of the Land: and the reverend Biſhops will ſoon ſatisfie you, that it is contrary to the Lawes of God and this Church. If any of them have done ſervice to his Majeſty, or thoſe that were in exile with him, they are ſure to be well rewarded; who wiſheth that they may not? but we pay them too

deare for their Courteſies, if we lay them our Religion in pawne for them; and if their Religion be tolerated, it is to be feared leſt in time it may juſtle out ours. I have read of a prophecy indeed, *That Anti-chriſt ſhould never overcome* Venice, *nor* Paris, *nor* London; I ſay *Amen* to it: yet I ſhould much fear the laſt, if *Recuſancy* ſhould have a Toleration.

3: My Lords, you know, what an enemy *Schiſme* hath been to the welfare of this Church & Nation, and is ſtill like to be. It concernes your Honours, as you are Counſellours, to give your advice in this doubtfull and difficult matter. Some, it may be, are of opinion, that as the times produced this diſtemper, ſo time muſt cure it againe. I do not ſay, but this remedie may prove effectuall, but I cannot ſay, that it will: the hazard we run by ſuch protraction is certain, but what the iſſue of it may be, is uncertain. I do not conceive, that the conſideration of this ſubject, is out of your Lord-ſhips Cognizance: for it is true, if theſe contentions about Church-matters were only agitated in the Schooles and had no influence upon the State, the matter were leſſe, but we ſee frequently, that Tumults and diſtractions in the State, ariſe from hence.

It is a good way to remove ſchiſme, to conſider firſt what indeed Schiſme is: that is the very ſubject of the queſtion, and if we erre in this we doe ſtumble

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in limine. Schiſme ſeems to me to be, *a groundleſſe rending of the Churches Communion, joyned with a contempt of the Churches Authoritie.* And therefore I ſuppoſe, though a man be in ſome things diſſatisfied (ſo he give but all due reſpect and reverence to Eccleſiaſticall authority) he may be ſaid to be ſcrupulous or at the moſt erronious, but not Schiſmaticall. All I will ſay more is this, the diſeaſe is intricate, it may be ſuperficially, but it will never be ſoundly healed, till a narrow ſearch be made into the nature of it. Thus I have made bold to point out to your Lordſhipps, the three great Troublers of our *Iſrael*, *Prophaneneſſe*, *Poperie*, and *Schiſme*; which ſo far as they fall upon the ſtate, require the obſervation and inſpection of you, who are by your Office, *Phyſicians and Miniſters of State.*

My Lords: I have no more to adde, but to congratulate this Honourable Aſſembly, and to pray that the Lord of Lords would be a ſheild to protect you, a Sunne to guide you, an exceeding great Reward to honour, comfort and bleſſe you, in all your Counſells, Judgements, Journeys, and Returnes. Unto this God, who is one Eſſence, and three Perſons, the King immortall, inviſible, the only wiſe God, be honour and Glory, for ever and ever. *Amen.*

FINIS.